



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,633	06/23/2005	Hajime Fukushima	SAWA0006	9605
22862 7590 12/10/2009 GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025				
EXAMINER				
AFOLAB, MARK O				
ART UNIT		PAPER NUMBER		
2454				
NOTIFICATION DATE		DELIVERY MODE		
12/10/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eptomatters@glenn-law.com

Office Action Summary

Application No.

10/540,633

Applicant(s)

FUKUSHIMA, HAJIME

Examiner

MARK O. AFOLABI

Art Unit

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/26/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-60 and 70-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52-60 and 70-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is considered fully responsive to the Application No. 10/540,633 filed on 06/23/2005. The amendment presented on 26 August 2009, which provides change to the abstract and claims objections is hereby acknowledged. Furthermore, the amendment to claims filed on 26 August 2009, i.e., claims 1-51 cancel and new claims 52-60 and 70-75 are hereby acknowledged, claims 52-60 and 70-75 remain pending and have been examined.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. **When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).**

Misnumbered claims 70-75 are objected to, provided clarification is giving by applicant as to indicate an oversight. If such notification is received, the claims will be renumbered from 61-66 accordingly. Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 52-57 and 72 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Claims 52 and 75 recited a “communication system and node” respectively; however, it appears that the system and node would reasonably be interpreted by one of ordinary skill in the art as software, per se, since “an obtaining means for obtaining a corresponding dynamic address...” and a determination means for determining whether or not a dynamic address...”, which are all functional descriptive material per se. As such, it is believed that system and node are reasonably interpreted as functional descriptive material, per se, failing to be tangibly embodied or include any recited hardware as part of the system or node as claimed in claims 52 and 75 respectively.

Claims 53-57 fail to resolve the deficiencies of claim 52. Claims 53-57 disclose additional features, all of which do not invalidate the reasonable interpretation of the compiling system or node as software, per se, by one of ordinary skill in the art.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 56 and 59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following term in claim 56 is unclear:

“...a communication node other than this”,

Regarding claim 59, the term or phrase is unclear and there is no support in the specification:

“....identifier by forward name asking”

Claim Rejections - 35 USC 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 52-60, 70, 73 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stahura et al.** (US 7,359,987 B2) (**Stahura** hereafter) and **Bhalla et al.** (US 7,613,811 B1) (**Bhalla** hereafter).

Claim 52, a communication system, comprising:

Stahura teaches,

an obtaining means for obtaining a corresponding dynamic address by sending an identifier to a mapping notification system which stores a pair of an identifier (e.g., a dynamic address name (e.g., a numeric identifier) and password and stores the name and password in the registration table, col. 7, lines 40-53, Stahura) and a dynamic address (e.g., upon receiving a dynamic address name from the resolution system, the dynamic address system uses its mapping to identify the address associated with that dynamic address name. The dynamic address system then forwards the identified address to the resolution system, col. 3, lines 40-67, esp. lines 48-56 and col. 5, lines 5-14, Stahura); and

a determination means (i.e., item 603 of Fig. 6, Stahura) for determining whether or not a dynamic address stored in the mapping notification system is correct by accessing...to which the dynamic address obtained by the obtaining means is assigned (e.g., get IP address component of the dynamic address system in one embodiment...the component retrieves the passed dynamic address name. In block 602, the component retrieves an entry from the IP address for the dynamic address name. In block 603, if the entry was success fully retrieved, then the component sends the IP address from the entry in block 605, else the

Art Unit: 2454

component sends an error message in block **604**. The component then completes col. 8, lines 3-13, Stahura).

Stahura fails to teach specifically point out the underlined limitation of the claim, or not a dynamic address stored in the mapping notification system is correct by accessing other communication node.

Bhalla teaches accessing other communication node (i.e., item 28 of Fig. 1, Note: accessing a communication node, which is different from other node and col. 3, lines 7-27).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the features of **Bhalla** technique for accessing other communication node or plurality of communication node thereby assigning a dynamic address to communication node or nodes, once the packet are routed, the method is terminated (i.e., encourage back-up), col. 4, line 46-67, Bhalla.

Claim 53, wherein the determination means determines whether or not the communication node is a communication node to be communicated, based on the comparison of the identifier sent to the mapping notification system and a reply for the access to the communication node (e.g., generates a mapping between the user name and their current IP address. When a user wants to send a message, the sending user sends a request to the instant messaging system to provide the current IP address for a user name to which a message is to be sent. The instant messaging system looks up the IP address for that user name and provides the IP address to the sending user, col. 2, lines 3-29, esp. lines 15-24).

Claim 54, wherein when the determining means determines that the address is not correct,

(i) said obtaining process and determination process are executed again (e.g., a resolution system that executes on a domain name server may not be able to process such parameters directly. The resolution system may instead redirect the software (e.g., browser) that sent the resolution request to access a resource of a special purpose resolution server. Upon receiving the request to access a resource, the special-purpose resolution server identifies the current address of the resource (,e .g., Smith web site) by accessing the dynamic address system and directs the software to access the resource directly using the current address, col. 4, lines 17-33, Stahura)

(ii) an execution of a process to be executed after said determination process is stopped, (e.g., the component may be implemented as part of a browser or as a plug-in to a browser that executes at a client computer. The component recognizes a response from the DNS that the domain name is unregistered and automatically submits a search request. In block **1201**, the component identifies whether a response from a domain name server indicates that the domain name cannot be found, col. 9, lines 12-25 and abstract, Stahura)

or

(iii) a control process for preventing from sending back a reply of said address from the mapping notification system is executed.

Claim 55, wherein the reply for the access to the communication node is identifiers assigned with the communication node, additional information, or specific character string including information based on the foregoing (e.g., If a domain name is not registered with the DNS. then the domain name server may return a not registered indication to the browser, which may display an error

Art Unit: 2454

message. Alternatively, the domain name server may, but not typically, return an IP address of a web site, for example, through which that domain name can be registered, col. 1, lines 46-62, Stahura).

Claim 56, wherein at least either of the obtaining means and the determining means is provided on the communication node or a communication node other than this (e.g., Correspondent communicating node 28 may comprise any suit able node with which mobile node 12 may communicate or hold an interactive session, col. 3, lines 10-19, Bhalla).

Claim 57, wherein access of the determining means is conducted under different condition for each communication node (e.g., If the data packet has the mobile Internet Protocol request, the data packet is processed using a mobile Internet Protocol process. Alternatively, if the data packet uses the dynamic address, the data packet is processed using a simple Internet Protocol process, abstract, Bhalla).

Claim 58, wherein the determining means is provided on a computer or a network connecting equipment (e.g., The client computer then submits a resolution request to a local domain name server 102 as indicated by arrow 3 for the domain name, col. 5, line 61 through col. 6, line 10, esp. col. 6, lines 2-4).

Claim 59, wherein the obtaining means obtains an address corresponding to the identifier by forward name asking (e.g., map domain names to an intermediate identifier and then map the intermediate identifier to the corresponding address. The resolution system maps a domain name to a dynamic address name, which is an intermediate identifier, and the telephone system maps a domain name to a telephone number, which is an intermediate identifier. This indirect mapping of a domain name to address (e.g., IP address) allows for much greater flexibility in resolving domain names to the corresponding addresses than is provided by the current DNS, col. 5, lines 5-15, Stahura).

Claim 60, wherein the communication node is a communication node where address is assigned dynamically, or a communication node referred to together with an external network (e.g., the dynamic address system includes a register component **221**, a connect component **222**, a get IP address component **223**, a registration table **224**, and an IP address table 225, col. 6, lines 50-66, Stahura).

Claim 70, wherein the communication node where the address is assigned replies after lapse of time where said change actually occurs after action that the address stored in the mapping notification system changes (e.g., allows network connected devices to register their dynamic addresses by providing their dynamic address names and their current addresses each time they sign on to the dynamic address system. Upon receiving a dynamic address name from the resolution system, the dynamic address system uses its mapping to identify the address associated with that dynamic address name. The dynamic address system then forwards the

Art Unit: 2454

identified address to the resolution system. Upon receiving the identified address, the resolution system then returns (e.g., to a browser) the identified address as the address of the received domain name, col. 3, lines 45-60, Stahura).

Claim 73, providing given service to a communication node which notifies the identifier to storage exchange network (e.g., a dynamic address name (e.g., a numeric identifier) and password and stores the name and to the local domain name password in the registration table, col. 7, lines 40-53, Stahura).

Regarding Claim 75, this is a communication node, comprising substantially the same limitations as those addressed in claim 52. Therefore, the same rationale of rejection is applicable.

10. Claims 71-72 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stahura** (US 7,359,987 B2) and **Bhalla** (US 7,613,811 B1) in further view of **Robert Bays** (US 2003/0204619 A1) (**Bays** hereafter).

Claim 71, wherein the address of the mapping notification system is managed using SNMP (Simple Network Management Protocol),

Stahura and Bhalla teach all the limitations of claim 52.

However, **Stahura and Bhalla** fail to teach that except for system is managed using SNMP (Simple Network Management Protocol).

Bays teaches wherein the address of the mapping notification system is managed using SNMP (Simple Network Management Protocol), (information usually consists of a

user name, password combination but may contain other necessary information for a specific authentication protocol and should be supplied for each type of access method supported by routing control device 20 (see step 202). Access methods include Simple Network Management Protocol (SNMP) queries, interactive sessions to terminal interfaces, and other proprietary access protocols, [0031], Bays).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the features of **Bays**_technique for managing a system using SNMP via a software component thereby reporting information about the health of the system or the network and verifies that the last route in a group has propagated, par. [0081], Bays.

Claim 72, wherein if the determining means determines that the address is not correct, it is prevented to send back a reply of said address from the mapping notification system by deleting the address from the mapping notification system, (e.g., the system rule set for the deleted routing system to continue to be stored in routing control database 24 for future use after being marked as inactive by routing control device 20 (see steps 414 and 418). If left in routing control device database 24, the system rule set will not affect any routing control device 20 decisions as long as it is marked inactive, [0038], Bays).

Claim 74, wherein the identifier is FQDN (Fully Qualified Domain Name) or information based on it, (e.g., The user may add routing systems 30 to routing control device 20 by supplying the IP address or fully qualified domain name of a primary interface and access authority information for the routing system, [0031], Bays)

Response to Arguments

Specification Objections

11. Acknowledge is made to applicant's response to previously raised objection to the abstract presented on 26 August 2009, which provides change to the abstract is noted and is now in complies with MPEP 608.01(b). All prior objections to the abstract are hereby withdrawn.

Claim Rejections - 35 USC § 101

12. Acknowledge is made to applicant's response to previously raised rejection under 35 U.S.C. 101 has been considered. In light of the new set of claims 52-60 and 70—75 presented on 26 August 2009, all prior 35 U.S.C. 101 rejections to cancelled claims 1-7, 25-27, 36-41, 42-43 and 51-52 are hereby withdrawn.

Response to Arguments

13. Applicant's arguments filed on 26 August 2009 with respect to the cancelled claims 1-51 have been fully considered. Examiner is moot; please see above for new grounds of rejections:

Claim Interpretation

14. Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969)".

The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

EXAMINER'S NOTE

15. Examiner has cited particular columns and line numbers or paragraph numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. The entire reference is considered to provide disclosure relating to the claimed invention.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MARK O. AFOLABI** whose telephone number is (571) 270-5627. The examiner can normally be reached on Monday-Friday between (8:30 am to 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **NATHAN FLYNN** can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2454

/M.O.A/

/MARK O. AFOLABI/

Examiner AU 2454

/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454